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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,468	06/24/2008	Ram Srivats	04-40396-US	5915
7066                      7590                      08/02/2011 REED SMITH LLP 2500 ONE LIBERTY PLACE 1650 MARKET STREET PHILADELPHIA, PA 19103				
EXAMINER				
BELLINGER, JASON R				
ART UNIT		PAPER NUMBER		
3617				
MAIL DATE		DELIVERY MODE		
08/02/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/585,468

**Applicant(s)**

SRIVATS, RAM

**Examiner**

JASON BELLINGER

**Art Unit**

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-19,21-26,29-41,45,46,51,52 and 55-58 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1-3,5-19,21-26,29-41,45,46,51,52 and 55-58 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Objections***

1. Claim 1 is objected to because of the following informalities: The term "souter" should be replaced with the term - -outer- - in line 6 of the claim, for grammatical clarity. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is indefinite due to the fact that it is unclear which elements of the invention are being referred to by the phrase "said portions" in line 3 of the claim. Namely, multiple "portions" have been set forth previously in the claim, and it is unclear whether all or only some of the "portions" are being referred to by the limitation.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-3, 7-10, 12-19, 23-24, 26, 29, 51-52, and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurus ('609) in view of Evans. Jurus shows

an invention including all of the limitations as set forth in the above claims, except for the following:

Jurus fails to disclose the wheel being formed from steel. Evans teaches the use of forming a wheel from mild steel or HSLA steel. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the wheel of Jurus from steel, as a substitute metal material, dependent upon availability, cost, and the desired chemical and physical properties.

6. Claims 5-6, 21-22, 30-37, 40-41, 45-46, 55, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurus ('609) in view of Evans as applied to claims 1-, 7-10, 12-19, 23-24, 26, 29, 51-52, and 56-57 above, and further in view of Ashley, Jr. et al (hereafter Ashley).

Jurus as modified by Evans does not disclose the angle of the bead seats or drop center rim portion. Ashley teaches the formation of a wheel having a 5 degree central rim portion and bead seats. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the wheel of Jurus as modified by Evans with 5 degree bead seats and drop center rim, to predictably decrease the amount of effort required to mount a tire thereon.

7. Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurus ('609) in view of Evans as applied to claims 1-3, 7-10, 12-19, 23-24, 26, 29,

51-52, and 56-57 above, and further in view of Beyer. Jurus as modified by Evans does not disclose vent holes formed in the disc portion of the wheel.

Beyer teaches the formation of a wheel having vent and/or decorative holes 27 formed in the disc portion of a wheel. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form vent holes in the disc wheel of Jurus as modified by Evans, in order to allow airflow to reach the brake components of the vehicle and/or to enhance the aesthetic appearance of the wheel.

8. Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurus ('609) in view of Evans and Ashley as applied to claims 1-3, 5-10, 12-19, 21-24, 26, 29-37, 40-41, 45-46, 51-52, and 55-58 above, and further in view of Beyer. Jurus as modified by Evans and Ashley does not disclose vent holes formed in the disc portion of the wheel.

Beyer teaches the formation of a wheel having vent and/or decorative holes 27 formed in the disc portion of a wheel. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form vent holes in the disc wheel of Jurus as modified by Evans and Ashley, in order to allow airflow to reach the brake components of the vehicle and/or to enhance the aesthetic appearance of the wheel.

***Response to Arguments***

9. Applicant's arguments filed 14 July 2011 have been fully considered but they are not persuasive. The Applicant argues that the references, and specifically the Jurus ('609) reference, do not show the junction of the center disc portion with the rim portion being between the inner and outer edges of the rim portion. However, this is not the case. Figures 2, 6K, and 6L of Jurus ('609) all show the joint between the central disc and rim being between the inner and outer edges of the rim. Furthermore, Jurus ('609) shows a wheel having a profile essentially identical to Figure 10 of the instant application.

The Applicant argues that the cited Jurus ('810) reference does not meet the claims. However, as explained in the previous office action, the Jurus ('810) reference was never used in a rejection. Therefore, arguments regarding the Jurus ('810) reference are irrelevant.

The Applicant argues that Evans, Ashley, Jr. et al, and Beyer also do not show the nature of the juncture between the disc and rim. However, it should be noted that none of these references were relied upon to teach such structure. Evans was only used to teach the use of mild or HSLA steel in wheel making. Ashley, Jr. et al was only used to teach 5 degree bead seats and drop center rim shapes. Beyer was only used to teach vent holes in a disc portion of a wheel. Jurus ('609) clearly shows all other wheel structure as set forth in the claims.

The Applicant argues that the wheel of Jurus ('609) "suffers from greater fatigue concerns as a result of the unbalanced loading and greater deflection resultant".

However, the Applicant has failed to provide any evidence (in the form of a declaration or affidavit filed under 37 CFR 1.131 or 1.132) to support this argument.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON BELLINGER whose telephone number is (571)272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason R Bellinger/  
Primary Examiner  
Art Unit 3617